

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2232 Session of  
2003

INTRODUCED BY GABIG, CREIGHTON, CAPPELLI, CORRIGAN, THOMAS,  
GEIST, YOUNGBLOOD, KELLER, SCHRODER AND BROWNE,  
DECEMBER 8, 2003

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 14, 2004

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for the reporting  
6 of student conduct; and requiring the adoption of a code of  
7 student conduct.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 1301-A of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949, is  
12 amended by adding a definition to read:

13 Section 1301-A. Definitions.--As used in this article,  
14 "Code of student conduct." shall mean a comprehensive  
15 written listing of principles established by a school entity  
16 which apply to all students enrolled in the school entity  
17 whether they be on school property, at any school-sponsored  
18 activity, or on any public conveyance providing transportation  
19 to a school or school-sponsored activity. At a minimum, the

1 comprehensive written listing shall include:

2 (1) A summary of acceptable standards of student behavior.

3 (2) Unacceptable student behavior.

4 (3) ~~Specific penalties~~ PENALTIES for students who engage in <—  
5 unacceptable behavior.

6 \* \* \*

7 Section 2. Section 1303-A(c) of the act, amended June 25,  
8 1997 (P.L.297, No.30) is amended to read:

9 Section 1303-A. Reporting.--\* \* \*

10 (c) All school entities shall develop a memorandum of  
11 understanding with local law enforcement which sets forth  
12 procedures to be followed when an incident [involving] occurs on  
13 school property, at any school-sponsored activity, or on any  
14 public conveyance providing transportation to a school or  
15 school-sponsored activity which involves an act of violence or  
16 possession of a weapon [by any person occurs on school  
17 property].~~including, but not limited to:~~ <—

18 ~~(1) Possession of a weapon other than a firearm on school~~  
19 ~~property.~~

20 ~~(2) Possession of an offensive weapon.~~

21 ~~(3) Possession of an instrument of crime.~~

22 ~~(4) Possession of a firearm, shotgun or rifle on school~~  
23 ~~property.~~

24 ~~(5) Aggravated assault.~~

25 ~~(6) Terroristic threats.~~

26 ~~(7) Harassment.~~

27 ~~(8) Stalking.~~

28 ~~(9) Criminal homicide.~~

29 ~~(10) Rape.~~

30 ~~(11) Arson.~~

1     ~~(12) Kidnapping.~~

2     ~~(13) Robbery.~~

3     Law enforcement protocols shall be developed in cooperation with  
4     local law enforcement and the Pennsylvania State Police.

5     Section 3. The act is amended by adding a section to read:

6     Section 1314-A. Code of Student Conduct.--(a) Each AT THE <—

7     BEGINNING OF THE SCHOOL YEAR AFTER THE EFFECTIVE DATE OF THIS

8     SECTION, EACH school entity THAT DOES NOT HAVE A CODE OF STUDENT <—

9     CONDUCT shall establish a written code of student conduct in

10    compliance with the requirements of this section. The code of

11    student conduct shall be reviewed annually by the school

12    entity's board of directors and by the school entity's school <—

13    safety committee.

14    (b) Each school entity shall annually distribute a copy of

15    the code of student conduct to each of the school entity's

16    teachers and administrators and to every student enrolled in the

17    school entity and to every parent, guardian or other person

18    having control or charge of a student.

19    (c) The code of student conduct shall contain a list of

20    infractions that the school entity considers to be unacceptable

21    student behaviors and shall set forth specific penalties for <—

22    students who behave in such fashion. The code of student conduct

23    shall contain at least three levels of DEFINE infractions and <—

24    penalties FOR FIRST OFFENSES AND INCREASING PENALTIES FOR <—

25    SUBSEQUENT OFFENSES AND SHALL CONTAIN PROCEDURES FOR CONTACTING

26    PARENTS AND GUARDIANS WHEN APPROPRIATE.

27    ~~(1) Level I infractions shall include unacceptable student~~ <—

28    ~~behaviors as defined by the school entity. Such unacceptable~~

29    ~~student behaviors may include, but are not limited to:~~

30    ~~(i) Leaving school without permission.~~

~~(ii) Tardiness.~~

~~(iii) Disruptive behavior.~~

~~(iv) Dress code violations.~~

~~Penalties for Level I infractions shall include disciplinary measures as set forth by the school entity and shall also include immediate notification of the student's parent, guardian or person in parental relation to a student who has committed a Level I infraction of the school entity's code of student conduct.~~

~~(2) Level II infractions shall include unacceptable student behaviors as specified by the school entity. Such unacceptable student behaviors may include, but are not limited to:~~

~~(i) Harassment.~~

~~(ii) Assault or fighting.~~

~~(iii) Theft of school property.~~

~~(iv) Defacing school property.~~

~~(v) Forgery.~~

~~(vi) Cheating.~~

~~(vii) Tobacco use.~~

~~Penalties for Level II infractions shall include disciplinary measures as defined by the school entity and shall also include a meeting with the parent, guardian or person in parental relation to a student who has committed a Level II infraction of the school entity's code of student conduct.~~

~~(3) Level III infractions shall include unacceptable student behaviors as specified by the school entity. Level III infractions shall include the following:~~

~~(i) Possession of a weapon other than a firearm on school property.~~

~~(ii) Possession of an offensive weapon.~~

~~(iii) Possession of an instrument of crime.~~

~~(iv) Possession of a firearm, shotgun or rifle on school property.~~

~~(v) Aggravated assault.~~

~~(vi) Terroristic threats.~~

~~(vii) Harassment.~~

~~(viii) Stalking.~~

~~(ix) Criminal homicide.~~

~~(x) Rape.~~

~~(xi) Arson.~~

~~(xii) Kidnapping.~~

~~(xiii) Robbery.~~

~~Penalties for Level III infractions shall include disciplinary actions as defined by the school entity, an immediate meeting with the parent, guardian or person in parental relation to a student who has committed a Level III infraction of the school entity's code of student conduct and immediate notification of local law enforcement consistent with the procedures set forth in the school entity's memorandum of understanding with local law enforcement.~~

~~(d) Employees of a school entity shall be immune from civil liability for any action taken in good faith with regard to any student provided that such action is taken for the safety and supervision of the student or for the safety and supervision of others and provided that such action taken is not inconsistent with or is in enforcement of the provision of the school entity's code of student conduct.~~

~~Section 4. This act shall take effect immediately IN SIX MONTHS.~~

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